



#FW#
PATENT
10/606,433

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of: Joseph Lin

Conf.: 6321

Appl. No.: 10/606,433

Group:

Filed: June 25, 2003

Examiner:

For: BODY BOARD

PETITION TO MAKE SPECIAL
UNDER 37 CFR Sec 1.102

MS Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 24, 2005

Sir:

Pursuant to 37 CFR Sec. 1.102(d), and MPEP Sec. 708.02, Item II: Infringement, Applicant respectfully requests that the above-identified patent application entitled BODY BOARD be granted SPECIAL status on the grounds that the claims presented for examination are clearly infringed by products currently offered for sale in the United States. Such an infringing product, identified in the marketplace under the mark "BATTLE BOOGIE," has been purchased by Applicant from COSTCO WHOLESALE, on Feb. 27, 2005, as evidenced by the attached sales receipt (Attachment A).

Applicant has made a rigid comparison between the claims submitted for examination and samples of the products on sale, and have concluded that at least some of those claims are unquestionably infringed. Applicant also has a good knowledge of the pertinent prior art and has caused a careful and thorough search of the prior art to be made. Applicant submits concurrently herewith a third Information Disclosure Statement Form PTO-1449 with the result of the search in this application (Attachment B).

In addition, Applicant notes that the exigency for expedited examination is exacerbated by the inexplicable delay of more than sixteen (16) months in the IPE Division. A copy of Letter and Request for Correction/Withdrawal of Notice of Missing Parts and Notice of Incomplete Reply submitted to the USPTO on March 12, 2005, is attached (Attachment C). While Applicant is cognizant of the complicated workload at the USPTO, such highly unusual delay in the processing and examination has placed Applicant in a disadvantageous position in terms of protecting and enforcing Applicant's rights under the above-identified patent application.

Applicant is the current Assignee of the above-identified patent application and has recorded an Assignment on 6/25/2003 in connection with this application from Joseph Lin to Pacific Link Holdings Corporation. A copy of the Notice of Recordation of Assignment Document is attached herewith (Attachment D).

Based on the above, Applicant respectfully requests that this Petition to Make Special be granted.

Respectfully submitted,

Date: 3-24-05


By 

JOSEPH LIN, CEO

Pacific Link Holdings Corporation (Assignee)
2860 California Street
Torrance, CA 90503

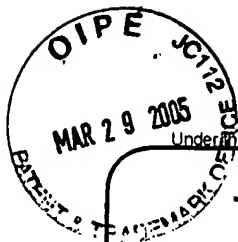
Attachments: A-D as specified

I hereby certify that this correspondence is being deposited with the US Postal Service with sufficient postage as First Class mail in an envelop addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this date: 3-24-2005

By 
Philip K. Yu, Reg. No. 35,742

For Correspondence:

Philip K. Yu, Reg. No. 35742
20955 Pathfinder Road, Ste. 100
Diamond Bar, CA 91765
626-965-1202



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 130

Application Number	10/606,433
Filing Date	6/25/2003
First Named Inventor	Joseph LIN
Art Unit	6321
Examiner Name	Unknown
Attorney Docket Number	4584-0103P

ENCLOSURES (Check all that apply)

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input checked="" type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
below):
Attachment - copy of Letter filed 3/12/2005
Attachment - copy of recorded Assignment
Attachment - copy of sales receipt
Return postcard |
|---|---|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Philip K. Yu, Registered Patent Attorney		
Signature			
Printed name	Philip K. YU		
Date	3/24/2005	Reg. No.	35742

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Philip K. Yu	Date	3/24/2005

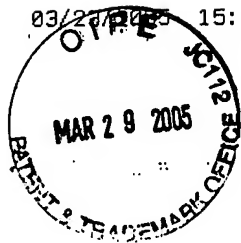
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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COSTCO WHOLESALE
#476 TORRANCE, CA
2751 SKYPARK DRIVE
TORRANCE, CA 90509
LW Q ET 90-102212

MEMBER #333440293000

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81606 CHAMPION SOC		9.99 T
65455 ARIZONA TEA		11.59
7042000000000 CA REDEMP VA		.96
65455 ARIZONA TEA		11.59
7042000000000 CA REDEMP VA		.96
686512 DRI PWR SOCK		12.99 T
843863 BATTLE BOOGI		19.89 T

**** 8.25 % TAX RATE 3.70

TOTAL	96.97
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American Express Resp: AA

APPROVED
AMOUNT: \$96.97

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TOTAL NUMBER OF ITEMS SOLD - 7
CASHIER: SHANITA REG# 15
2/27/2005 12:22 0476 15 0107 331

Online Shopping WWW.COSTCO.COM
Member Service 1-800-774-2678
CA TAXES PAID ON ANY TOBACCO PURCHASES

PLEASE COME AGAIN

Best Available Copy

OIPE
 MAR 29 2005
 DISCLOSURE
 APPLICATION

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

OTHER DOCUMENTS

OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



COPY

MS MISSING PARTS
PATENT
10/606,433

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:	Joseph Lin	Conf.: 6321
Appl. No.:	10/606,433	Group:
Filed:	June 25, 2003	Examiner:
For:	BODY BOARD	

Letter and
Request for Correction/Withdrawal of Notice of Missing Parts
And Notice of Incomplete Reply

MS MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 12, 2005

Sir:

In response to the Notice of Incomplete Reply (Nonprovisional) of March 1, 2005 (hereinafter "Notice of 2005", copy attached hereto as Appendix A), Applicant wishes to advise the USPTO that a Combined Declaration and Power of Attorney was already filed on June 25, 2003, to perfect Applicant's filing requirements, when the subject patent application was filed to the USPTO.

The filing requirements were perfected prior to the receipt of the Notice to File Missing Parts of Nonprovisional Application of Nov. 10, 2003 (hereinafter "Notice of 2003"), a copy of which is attached hereto as App. B.

As evidence of Applicant's previous submission of a combined Declaration and Power of Attorney in connection with the subject application, Applicant encloses a copy of the postcard (App. C) indicating receipt of said combined Declaration and Power of Attorney by the USPTO and payment of the appropriate fees by Applicant.

Additionally, as soon as Applicant received the Notice of 2003, Applicant quickly transmitted a facsimile letter (App. D) on Nov. 20, 2003 to the IPE Division. The facsimile transmission informed the IPE Division that the combined Declaration and Power of Attorney was already filed on June 25, 2003, concurrently with the subject patent application. In this facsimile letter, Applicant also explicitly requested the Office to advise Applicant of its decision regarding perfecting the filing requirements. Applicant has attached a copy of the faxed Combined Declaration and Power of Attorney as received by the OIPE, with the receipt stamp date of Nov. 20, 2003 (App. E). This copy is downloaded from PAIR.

Within a month after Applicant's facsimile transmission, on Dec. 15, 2003, having not received any indication from the IPE Division, Applicant diligently called the IPE Division and spoke with one Mr. Walsh. Mr. Walsh re-assured Applicant that although no updated status was available, the files would eventually be matched up and processed in due course.

Since the Nov. 20, 2003 facsimile letter, Applicant has not received any correspondence from the OIPE or the USPTO regarding the status of the subject application, nor any disposition as to the Notice of 2003, or the perfected filing of the subject patent application.

Finally, almost 14 months later, after observing a lack of progress from PAIR, Applicant submitted a Status Inquiry to the USPTO. A copy of the submission, as received by the OIPE on Feb. 14, 2005 and downloaded from PAIR, is attached as App. F.

Now, almost 16 months later, in the Notice of 2005, the IPE Division finally notified Applicant that the subject application would be abandoned unless Applicant submits the \$65 fee for Late Oath or Declaration Surcharge. The Notice of 2005 also indicates that the period of reply remains as set forth in the Notice (of 2003), unless EXTENSION OF TIME is obtained.

The inexplicable delay in the IPE Division for almost 16 months has denied Applicant the any opportunity to correct the situation or remedy any deficiency in a timely manner. If Applicant had been timely advised of the disposition of Applicant's faxed submission on Nov. 20, 2003, or any alleged deficiency in the Late Fee, Applicant would have promptly resolved this issue with the USPTO at the earliest opportunity, in an effort to further prosecution of the subject application. Now, the 16-month delay in processing is potentially forcing Applicant to file a Petition to Revive, plus the extension fees, in order to avoid abandonment. This seems quite a severe penalty, when

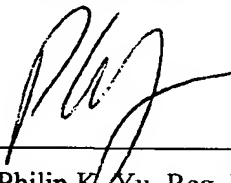
neither the delay, nor oversight, was due to Applicant's fault. From the very beginning, Applicant has demonstrated diligence in responding to the requests from the USPTO, as explained above.

REQUEST.

In light of the above showing and explanation, it is respectfully requested that the Notice of 2003 and Notice of 2005 be corrected or withdrawn, and the subject application's filing requirements be deemed perfected as of its original filing date of June 25, 2003.

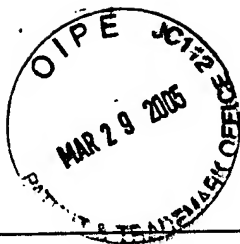
If, upon determination by the USPTO, a Late Fee of \$65 is nevertheless to be assessed, a check in that amount is enclosed for such purpose. If the Late Fee is not to be assessed, please issue a overpayment check to the undersigned Attorney.

Respectfully submitted,

By 
Philip K. Yu, Reg. No. 35742

Attachments: Appendices A-F, as stated
Check No. 1444, \$65.

Philip K. Yu, Customer No. 30781
20955 Pathfinder Road, Ste. 100
Diamond Bar, CA 91765
626-965-1202



COPY D

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JANUARY 14, 2004

PTAS



102612648A

PHILIP K. YU, ATTORNEY AT LAW
20955 PATHFINDER RD.
SUITE 100
DIAMOND BAR, CA 91765

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/25/2003

REEL/FRAME: 014255/0117
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
LIN, JOSEPH

DOC DATE: 06/25/2003

ASSIGNEE:
PACIFIC LINK HOLDINGS CORP.
2860 CALIFORNIA STREET
TORRANCE, CALIFORNIA 90503

SERIAL NUMBER: 10606433
PATENT NUMBER:

FILING DATE: 06/25/2003
ISSUE DATE:

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

COPY

ATTORNEY DOCKET NO. 4584-0103P

UNITED STATES PATENT RIGHTS, OR
UNITED STATES PLUS ALL FOREIGN PATENT RIGHTS

ASSIGNMENT

Application No. _____

Filed _____

Insert Name(s)
of Inventor(s)

*** (Given Name FAMILY NAME (ALL CAPS)) ***

WHEREAS, Joseph LIN

(hereinafter designated as the undersigned) has (have) invented certain new and useful improvements in

Insert Title
of Invention

BODY BOARD

for which an application for Letters Patent of the United States of America has been executed by the undersigned (except in the case of a provisional application).

Insert Date
of Signing of
Application

on June 18, 2003; and

Insert Name
and Address
of Assignee

WHEREAS, **PACIFIC LINK HOLDINGS CORP.** of 2860 California St.,
Torrance, CA 90503,

its heirs, successors, legal representatives and assigns (hereinafter designated as the Assignee) is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent(s) that may be granted therefor in the United States of America and

CHECK BOX
IF APPROPRIATE

☒ in any foreign countries.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the undersigned has (have) sold, assigned and transferred, and by these presents does sell, assign and transfer unto said Assignee the full and exclusive right to the said invention in the United States of America, its territories, dependencies and possessions and the entire right, title and interest in and to any and all Letters Patent(s) which may be granted therefor in the United States of America, its territories, dependencies and possessions, and if the box above is designated, in any and all foreign countries;

and to any and all divisions, reissues, continuations, conversions and extensions thereof for the full term or terms for which the same may be granted.

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional, conversion or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree (s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division, conversion or reissue thereof or Letter Patent(s) or reissue patent issued thereon and to cooperate with the Assignee in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America patent(s) or a grant of a valid United States of America and any foreign patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and same had not been made.

The undersigned hereby authorize(s) and request(s) the Patent and Trademark Office Officials in the United States of America and in any foreign countries to issue any and all Letters Patents resulting from said application or any continuing, divisional conversion or reissue application thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) Philip K. Yu, Registered Patent Attorney, Reg. No. 35,742, the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.


The undersigned hereby covenant(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date

6-25-03

Name of Inventor


(signature) Joseph LIN